

U.S. NATIONAL LABOR RELATIONS BOARD
REGION 21

AMERICAN MEDICAL RESPONSE OF
SOUTHERN CALIFORNIA

Employer,

Case No. 21-RC-106534

and

NATIONAL ASSOCIATION OF GOVERNMENT
EMPLOYEES, SEIU LOCAL 5000

Petitioner

and

NATIONAL EMERGENCY MEDICAL SERVICES
ASSOCIATION

Intervenor

and

UNITED EMERGENCY MEDICAL SERVICES WORKERS,
AFSCME Local 4911, AFL-CIO

Petitioner's Response to Supplement to Intervenor's Request for Review

The Petitioner, National Association of Government Employees (NAGE), SEIU Local 5000, responds to the Intervenor, National Emergency Medical Services Association (NEMSA), Supplement to the Request for Review with information updating the record. The Petitioner opposes the request for review. By Order dated August 26, 2013, the U.S. Court of Appeals for the First Circuit granted NAGE's request to stay the U.S. District Court's order granting the request for preliminary injunction. (The First Circuit's Order allowing stay of the injunction is attached). The grounds for NEMSA's Request for Review and Supplement to Request for Review are moot. The Request for Review should be denied.

The Request for Review must further be denied based on the reasons set forth in the Regional Director's August 1, 2013, denial of the Intervenor's request to reconsider and rescind the Decision and Direction of Election. (Regional Director's August 1, 2013 denial is attached). The Intervenor did not raise at the Board hearing the issues underlying the request for preliminary injunction in federal court. The circumstances underlying NEMSA's request for rescission had not changed since its prior request for deferral of the election.

The sole basis for the Request for Review is the recommendation of the U.S. District Court magistrate and the District Court order granting NEMSA's request for preliminary injunction. The U.S. Court of Appeals Order granting stay of the injunction removes the basis for appeal.

Finally, although NEMSA has not raised this issue as a basis for appeal, the Petitioner submits that stay of the election and deferral to arbitration would provide no greater promise of resolution of the dispute than existed under the Regional Director's denial of the Intervenor's prior multiple requests for deferral. (Regional Director's June 21, 2013 denial of request to defer to arbitration attached). As referenced in the Regional Director's August 1, 2013 denial of the request to rescind the Decision and Direction of Election, the Board previously addressed the same Intervenor's request to defer processing of the petition in *Paramedics Plus/Patients Plus*, 32-RC-102941. In that case, NEMSA filed a special request to appeal the Regional Director's refusal to suspend processing the petition based on a "no-raid" agreement between NEMSA and NAGE. The Board granted the special request and denied the appeal on the merits.

The private agreement between NAGE and NEMSA has no bearing on the

Board's exclusive jurisdiction and authority to resolve questions of representation. *See Cadmium & Nickel Plating, Division of Great Lakes Industries, Inc.*, 124 NLRB 353, 354 (1959); *Weather Vane Outwear Corp.*, 233 NLRB 414 (1977); *Anheuser-Busch, Inc.* 246 NLRB 29 (1979).

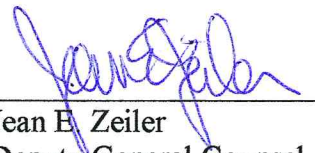
The representation election already underway must be allowed to continue. No valid basis exists to stay the election, impound the ballots, or delay the continued processing of the petition in any way. Any further delay will serve only to deprive employees of their rights under the Act.

For all the above reasons, NAGE requests that the Board deny and dismiss the Intervenor, NEMSA's, Request for Review.

Dated: August 27, 2013

Respectfully submitted,

National Association of
Government Employees,



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Certificate of Service

I certify that the Petitioner's Response to NEMSA's Supplement to Request for Review has been served electronically on August 27, 2013, on the following:

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